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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**RECEIVED**

In the Matter of )  
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Revision of the Commission's )  
Rules to Ensure Compatibility ) CC Docket No. 94-102  
with Enhanced 911 Emergency )  
Calling Systems )  
 )  
AT&T Wireless Services, Inc. ) DA-01-894  
Request for Waiver )

SEP 4 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: The Commission

**EX PARTE COMMENTS OF APCO, NENA AND NASNA**

The Association of Public-Safety Communications Officials-International, Inc. ("APCO"), the National Emergency Number Association ("NENA"), and the National Association of State Nine One One Administrators ("NASNA") (collectively referred to herein as "Public Safety Organizations") hereby submit the following additional *ex parte* comments regarding the above-captioned request for waiver of AT&T Wireless Services, Inc. ("AT&T").

AT&T seeks a waiver to implement a Phase II location technology, MNLS, that falls far short of the Commission's accuracy requirements. AT&T claims that MNLS is the only viable solution for its TDMA cellular system, which it states will be replaced eventually by a new GSM network using E-OTD location technology. On May 7, 2001, and again on July 24, 2001, the Public Safety Organizations filed comments opposing AT&T's waiver request, urging that MNLS was an unacceptable solution due to its poor accuracy levels, that AT&T had failed to demonstrate that other far more accurate location technologies are unavailable, and that AT&T had not presented a clear path towards full compliance with the rules.

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In a letter of August 6, 2001 from Douglas I. Brandon to Thomas Sugrue, Chief of the Commission's Wireless Telecommunications Bureau, AT&T committed to certain "accuracy milestones" for its planned GSM overlay network and its current and continuing TDMA systems. AWS said that, if necessary to meet this schedule, it would "deploy supplemental technologies developed by other vendors."<sup>1</sup>

On August 30, 2001, Cingular Wireless LLC ("Cingular") submitted an amended Petition for Limited Waiver with regard to the TDMA portion of its nationwide cellular network. Cingular has now identified and entered into an agreement with a location provider, True Position, which has "guaranteed" that it will meet the Commission's accuracy requirements. Cingular will deploy the technology by the end of 2002 in areas served by PSAPs that have made Phase II requests to date, and thereafter will be able to deploy within six months of a valid Phase II request.

Cingular appears to have concluded (Amended Petition, 22) that switch-based solutions such as MNLS do not and cannot meet the Commission's accuracy requirements and cannot be implemented as quickly as TruePosition now guarantees for its alternative solution.

The Public Safety Organizations do not herein comment on the merits of the Cingular request.<sup>2</sup> However, we submit that the Cingular request further demonstrates that AT&T is simply incorrect when it asserts that MNLS is the only viable option for TDMA. The vendor selected by Cingular states that the current version of its technology meets the accuracy

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<sup>1</sup> The only vendor mentioned was U.S. Wireless, which recently filed for bankruptcy protection.

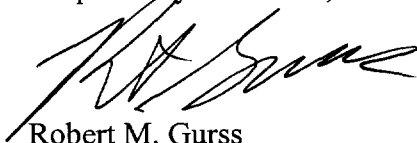
<sup>2</sup> The Public Safety Organizations anticipate filing comments in response to the *Public Notice*, DA 01-2080, released September 4, 2001.

requirements, and information submitted with the Cingular request and by others (*e.g.*, Sigma One) indicates that alternative technologies meet or come close to satisfying those requirements.<sup>3</sup>

### CONCLUSION

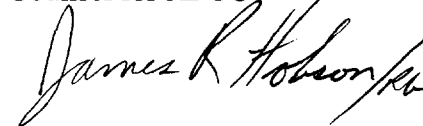
For the reasons discussed, the Commission should deny the AT&T waiver request and provide guidance to the applicant and other carriers about the substance and timing of a clear path to compliance with Section 20.18 of the Rules.

Respectfully submitted,



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September 4, 2001

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<sup>3</sup> See Further Comments of NENA, APCO and NASNA on AT&T Wireless Request for Waiver, filed July 24, 2001. We do not endorse the TruePosition solution or that of any other vendor. We recognize that AT&T field-tested TruePosition's location solution earlier, and that the two parties have been disputing publicly over the current validity of those results. We submit that AT&T has other choices for location service to its TDMA and AMPS users.